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Attorneys for Plaintiff and Counter Defendant
 VESTA STRATEGIES, LLC; Third Party
 Defendant SINGLE SITE SOLUTIONS
 CORPORATION; Third Party Defendant
 JOHN TERZAKIS; Third Party Defendant
 B&B SPARCO PROPERTIES, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

VESTA STRATEGIES, LLC,

Plaintiff,

v.

ROBERT E. ESTUPINIAN, GINNY
 ESTUPINIAN, MUTUAL VISION, LLC,
 MILLENNIUM REALTY GROUP,
 VESTA REVERSE 100, LLC, VESTA
 CAPITAL ADVISORS, LLC, and
 CAROL-ANN TOGNAZZINI,

Defendants.

AND RELATED COUNTER CLAIMS
 AND THIRD PARTY CLAIMS

CASE NO. C 07-06216 JW RS

**[PROPOSED] ORDER GRANTING (A)
 PLAINTIFF/COUNTER DEFENDANT
 VESTA STRATEGIES, LLC'S MOTION
 TO DISMISS; (B) THIRD-PARTY
 DEFENDANTS JOHN TERZAKIS',
 SINGLE SITE SOLUTIONS
 CORPORATION'S, AND B&B SPARCO
 PROPERTIES, INC.'S MOTION TO
 DISMISS OR STRIKE; (C) VESTA
 STRATEGIES' AND JOHN TERZAKIS'
 SPECIAL MOTION TO STRIKE
 PURSUANT TO THE CALIFORNIA ANTI-
 SLAPP STATUTE AND FOR
 ATTORNEYS' FEES AND COSTS**

Date: September 8, 2008
 Time: 9:00 a.m.
 Department: Room 8, 4th Floor, SJ
 Judge: James Ware

Before the Court are: (1) Plaintiff/Counter Defendant Vesta Strategies LLC's ("Vesta Strategies") and Third-Party Defendant John Terzakis' ("Terzakis") Special Motion to Strike Defendants/Counter-Claimants/Third-Party Claimants Robert and Ginny Estupinians' Intentional Infliction of Emotional Distress Claim Pursuant to the California Anti-SLAPP Statute and for Attorneys' Fees and Costs ("Vesta Strategies' and Terzakis' Special Motion to Strike"); (2) Vesta Strategies' Motion to Dismiss ("Vesta Strategies' Motion to Dismiss") the claims in the First Amended Counterclaim and First Amended Third-Party Complaint ("Amended Counterclaim"); and (3) Third-Party Defendants Terzakis', Single Site Solutions Corporation's, and B&B Sparco Properties, Inc.'s Motion to Dismiss or Strike ("Third Party Defendants' Motion to Dismiss or Strike"). (*See* Docket Item No. 76). Based on the papers submitted to date and for good cause appearing, the Court ORDERS that:

1. Vesta Strategies' and Terzakis' Special Motion to Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or Federal Rule of Civil Procedure 12(f) and the California Anti-SLAPP Statute, CAL. CIV. P. CODE § 425.16, *et seq.*
2. Vesta Strategies' Motion to Dismiss is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6).
3. Third-Party Defendants' Motion to Dismiss or Strike is GRANTED pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or Federal Rules of Civil Procedure 12(f) and 14(a)(4).
4. Robert and Ginny Estupinian shall pay Vesta Strategies and Terzakis their attorneys' fees and costs in connection with Vesta Strategies' and Terzakis' Special Motion to Strike.

Dated: _____, 2008

JAMES WARE
United States District Judge